

Amendment: Application No. 10/808,782  
Attorney Docket No. CFG03444US

### **REMARKS**

Claims 1-20 are currently pending. Of the claims, Claims 1, 11 and 16 are independent claims and the remaining claims (2-10, 12-15 and 17-20) are dependent claims.

Applicant respectfully requests review and reconsideration of the objections and rejections in the Office Action dated July 26, 2005 based on the remarks which follow.

Furthermore, Applicant requests a one-month extension of time from the shortened statutory period of three months.

#### **Claim Objections**

Claims 6 and 13 were objected to do to the informality that "the reference value" lacks antecedent basis. Office Action, Page 2.

Claims 6 and 9 depend from Claim 1. Claim 1 has been amended to add "a reference value."

Therefore, Applicant believes that the objections to the claims have been overcome.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1-9 and 11-20 were rejected under 35 U.S.C. §102(b) as being anticipated by 20020025173 (Isobe et al.) (hereinafter, "the Isobe reference"). Office Action, Pages 2-5.

#### **Brief Summary of the Isobe et al. Reference**

The Isobe reference discloses an image forming apparatus for forming images using a developer provided with a toner and a carrier. The information forming apparatus includes two or more developer replenishing units, each of which has a first storage for storing identification information related to the developer and a second storage for storing history information. For example, see Abstract. The identification information includes, for example, ID data on the toner replenishing containers, life threshold data, correction

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constants for use in calculating the utilization amount, driving control threshold data, quality control data, merchandise management data. Paragraph [0214].

The Isobe reference does not disclose storing information relating to characteristics of the toner.

**The Claims are not Anticipated By the Isobe Reference**

Independent Claim 1 includes, *inter alia*, a detector that detects a value corresponding to a toner density of the developer within a developing receptacle and a controller configured to control a replenishing operation by a replenishing member based on the value detected by the detector and a reference value, wherein the controller sets the reference value based on information for setting the reference value according to characteristics of the developer.

The Isobe reference does not disclose "a first storage unit having a storage region configured to store information for setting the reference value according to characteristics of the developer, wherein the controller is configured to set the reference value based on the information for setting the reference value according to characteristics of the developer" as required by Claim 1.

Accordingly, Claim 1 is believed patentable over the cited and applied art.

Since Claim 1 is believed patentable, all of the claims depending from Claim 1 (namely, Claims 2 – 10) are also believed to be patentable.

Independent Claim 11 includes, *inter alia*, a detector that detects a value corresponding to a toner density of the developer within a developing receptacle, wherein the toner in the developing receptacle is replenished based on the value detected by the detector and a reference value, and a storage medium configured to store information relating to the developing device, wherein the storage medium includes a first storage region configured to store information for setting the reference value according to characteristics of the developer.

The Isobe reference does not disclose "a detector configured to detect a value corresponding to a toner density of the developer within a developing receptacle, wherein the toner is replenished in the developing receptacle based on the value detected by the detector and a reference value, and a storage medium configured to store information

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relating to said developing device, wherein the storage medium includes a first storage region configured to store information for setting the reference value according to characteristics of the developer."

Accordingly, Claim 11 is believed patentable over the cited and applied art.

Since Claim 11 is believed patentable, all of the claims depending from Claim 11 (namely, Claims 12-15) are also believed to be patentable.

Independent Claim 16 includes, *inter alia*, a first storage region configured to store information for setting the reference value according to characteristics of the developer.

The Isobe reference does not disclose "a first storage region configured to store information for setting the reference value according to characteristics of the developer."

Accordingly, Claim 16 is believed patentable over the cited and applied art.

Since Claim 16 is believed patentable, all of the claims depending from Claim 16 (namely, Claims 17-20) are also believed to be patentable.

#### **Rejections Under 35 U.S.C. § 103**

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Isobe et al. in view of U.S. 6,839,245 to Shida et al (hereinafter, "the Shida reference").

#### **The Claims are not Obvious Under the Isobe Reference in View of the Shida Reference**

*Assuming arguendo* that there is sufficient motivation to combine the Isobe reference and the Shida reference, the references, either alone or in combination do not disclose all of the elements in the claims.

The Shida reference does not cure the deficiencies in the Isobe reference discussed above with reference to Claim 1.

Therefore, since Claim 1 is believed allowable over the combination of the Isobe reference and the Shida reference, Claim 10 (which depends from Claim 1) is also believed allowable.

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**CONCLUSION**

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Applicant's undersigned attorney may be reached at (949) 932-3132. All correspondence should be directed to the below-listed address.

Respectfully submitted,

11/23/05

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